

Message Text

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ACTION OES-07

INFO OCT-01 ARA-14 ISO-00 L-03 DLOS-09 CG-00 DOTE-00

EB-08 TRSE-00 PA-02 PRS-01 USIA-15 CIAE-00 INR-07

NSAE-00 EPA-04 CEQ-01 /072 W

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O R 281400Z JUL 77

FM AMCONSUL GUAYAQUIL

TO USDOC WASHDC IMMEDIATE

INFO SECSTATE WASHDC 5514

AMEMBASSY QUITO

AMEMBASSY MEXICO

UNCLAS SECTION 01 OF 02 GUAYQUIL 1206

USDOC FOR ROBERT W. SCHONINING USNMFS

EO 11652: N/A

TAGS: PFOR, EFIS, EC

SUBJ: ECUADOREAN COMPLIANCE WITH 50CFR 216.24 (E) (4)

REF: (A) STATE 049988; (B) QUITO 4848

1. THE FISHING ASSOCIATION OF ECUADOR HAS PRESENTED A SERIES OF QUESTIONS TO THE ECUADOREAN DIRECTORATE GENERAL OF FISHERIES, THE ANSWERS TO WHICH ARE BELIEVED TO PROVIDE THE INFORMATION REQUESTED IN PARA 5 REF (A). THE ASSOCIATION HAS REQUESTED THE GOOD OFFICES OF THIS CONSULATE GENERAL IN ASCERTAINING WHETHER THE DATA PROVIDED BY THE DIRECTORATE GENERAL OF FISHERIES WOULD BE SUFFICIENT TO ENABLE SHIPMENTS OF ECUADOREAN CAUGHT YELLOWFIN TUNA TO BE SHIPPED TO THE U.S. WITH THE APPROPRIATE CERTIFICATE OF ORIGIN. TEXT OF QUESTIONS AND ANSWERS FOLLOW:

2. QUESTION A: DOES THE DIRECTORATE GENERAL OF FISHERIES HAVE KNOWLEDGE OF, EITHER THROUGH ITS GROUP OF INSPECTORS OR FROM OTHER SOURCES, THE DISCHARGING OF PORPOISES IN PORTS OF THIS COUNTRY, AT ANY TIME, BY THE ECUADOREAN FISHING FLEET?

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ANSWER A: THE DIRECTORATE GENERAL OF FISHERIES BY MEANS OF ITS GROUP OF INSPECTORS LOCATED IN THE PRINCIPAL FISHING PORTS OF THE COUNTRY HAS NOT REPORTED NOR OBSERVED AT ANY TIME OF THE YEAR THE DISCHARGING OF MAMMALS, I.E. OF THE PORPOISE (DOLPHIN) SPECIES PREVALENT IN OUR WATERS.

QUESTION B: DOES THE DIRECTORATE GENERAL OF FISHERIES HAVE ANY INFORMATION THAT IN ECUADOR THE FISHERMEN, BOTH COMMERCIAL AND SELF EMPLOYED, DO NOT FISH ON PORPOISE, BECAUSE AMONG OTHER THINGS, PORPOISE ARE CONSIDERED A MARINE SPECIES THAT DOES NOT ATTACK HUMANS AND HAS NO COMMERCIAL VALUE?

ANSWER B: WE ARE ABLE TO CONFIRM FROM THE INSPECTIONS MADE PERIODICALLY IN THE FISHING AREAS BY OFFICIALS OF THIS OFFICE THAT ECUADOREAN FISHERMEN DO NOT CATCH PORPOISE (DOLPHINS) AND THAT THIS RESOURCE CAN BE CATEGORIZED AS NON PROFITABLE BECAUSE IT IS NOT SOLD COMMERCIALY IN THE DOMESTIC MARKETS.

QUESTION C: CAN THE DIRECTORATE GENERAL OF FISHERIES CONFIRM FOR US WHETHER THE CATCHING OF YELLOWFIN TUNA AND OTHER TYPES OF TUNA BY NATIONAL FLAG VESSELS OR THOSE UNDER FOREIGN FLAGS WHICH OPERATE IN ECUADOR UNDER ASSOCIATION OR CHARTER ARRANGEMENTS, OF THE PURSE SEINER TYPE, CARRY OUT THEIR FISHING OPERATIONS IN CONJUNCTION WITH MAMMALS?

ANSWER C: FROM A PHYSICAL EXAMINATION OF THE NATIONAL FISHING FLEET, WE ARE ABLE TO CONFIRM THAT THE CATCHING OF YELLOWFIN TUNA AND OTHER TYPES OF TUNA IS NOT MADE IN CONJUNCTION WITH MAMMALS. NONETHELESS, EVEN WHEN FOUND FROM TIME TO TIME TOGETHER WITH SCHOOLS OF TUNA THE PORPOISE ARE NOT CAUGHT BY THE ECUADOREAN FISHING FLEET BECAUSE OF THE CHARACTERISTICS OF THE BOATS OR FOR REASONS PREVIOUSLY STATED.

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QUESTION D: HAVE THE APPROPRIATE FISHING AUTHORITIES CONSIDERED THAT IT HAS NOT BEEN NECESSARY TO PROMULGATE A LAW PROTECTING THAT SPECIES BECAUSE OF THE FACT THAT IT HAS NOT BEEN CUSTOMARY IN THIS COUNTRY TO CATCH MAMMALS (PORPOISE) FOR THE REASONS INDICATED IN QUESTION B?

ANSWER D: THE LAW ON FISHERIES DEVELOPMENT IN ARTICLE 28 PROVIDES FOR SITUATIONS SUCH AS THE PRESENT ONE WHERE IT STATES "THE MINISTER FOR NATURAL RESOURCES AND ENERGY SHALL FIX ANNUALLY THE MAXIMUM AMOUNTS, SIZES AND SPECIES OF FISH PERMITTED TO BE TAKEN, TAKING INTO CONSIDERATION THE RESULTS OF SCIENTIFIC RESEARCH, TECHNICAL ESTIMATES AND THE NEEDS FOR CONSERVATION OF BIOACQUATIC RESOURCES." NONETHELESS, UP TO THE PRESENT TIME NO MEASURES HAVE BEEN TAKEN AS CITED BECAUSE WE HAVE CONSIDERED THAT THE EXPLOITATION OF TUNA HAS NOT AFFECTED THE PORPOISE SPECIES.

QUESTION E: CAN THE DIRECTORATE OF FISHERIES CONFIRM FOR US THAT THE PURSE SEINER FLEET REFERRED TO IN QUESTION (C) ABOVE, ARE VESSELS OF MODERATE SPEED AND CARRYING CAPACITY WHICH OPERATE PRINCIPALLY IN COASTAL WATERS OR NEARBY COASTAL WATERS

WHERE CONCENTRATIONS OF PORPOISE ARE NOT FOUND?

ANSWER E: ACCORDING TO DATA PRESENT IN THE DIRECTORATE GENERAL OF FISHERIES IT CAN BE DETERMINED THAT THE ECUADOREAN TUNA FLEET IS COMPOSED OF BAIT BOATS AND PURSE SEINERS, AND THAT OF THE LATTER, THE AVERAGE NET REGISTERED TONNAGE IS 150 TONS, NEARLY ALL OF LIMITED CAPACITY, AND WHOSE CHARACTERISTICS PERMIT OPERATIONS ALMOST EXCLUSIVELY IN NEARBY COASTAL WATERS; EVEN THOUGH THERE IS A SMALL NUMBER OF SHIPS OF LARGER TONNAGE AND GREATER CAPACITY WHICH PERMIT OPERATIONS IN WATERS FARTHER FROM THE COAST, THE FISHERIES INSPECTORS HAVE NOT SEEN ANY DISCHARGING OF PORPOISE.

QUESTION F: IS IT REUE THAT, GIVEN THE AFOREMENTIONED CIRCUM-
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STANCES, IT MAY BE CONCLUDED THAT THE ECUADOREAN CREW MEMBERS OF THE LOCAL FISHING FLEET HAVE NEITHER EXPERIENCE NOR KNOWLEDGE OF HOW TO FISH FOR TUNA WITH THE AID OF PORPOISE?

ANSWER F: IT IS TRUE THAT THE ECUADOREAN FISHERMEN HAVE NEITHER EXPERIENCE NOR KNOWLEDGE OF HOW TO FISH ON PORPOISE AND THAT THEY USE THE PORPOISE SIMPLY AS A BIOLOGICAL INDICATOR OF SCHOOLS OF TUNA.

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FM AMCONSUL GUAYAQUIL
TO USDOC WASHDC IMMEDIATE
INFO SECSTATE WASHDC 5519
AMEMBASSY QUITO
AMEMBASSY MEXICO

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USDOC FOR ROBERT W. SCHONINING USNMFS

QUESTION G: IS IT GENERALLY KNOWN THAT IT IS THE PRACTICE OF THE CAPTAINS OF FISHING VESSELS WHEN CLOSING THE FISHING NET, DO SO WITH GREAT CAUTION TO AVOID INCLUDING IN IT WHATEVER KIND OF MAMMAL, AND IN ANY CASE THEY ALWAYS TAKE APPROPRIATE MEASURES TO FREE THEM WITHOUT INJURY?

ANSWER G: FROM OBSERVATIONS MADE ON BOARD PURSE SEINER TYPE VESSELS IT HAS BEEN VERIFIED THAT THE CAPTAINS OR THE FISHING "BOSS" IN THE FEW CASES WHICH ARISE, AVOID IF AT ALL POSSIBLE CAPTURING PORPOISE IN THE NETS; AND IF ONE IS BY CHANCE CAUGHT WITHIN THE NET, HE TRIES TO FREE IT. THIS TASK IS FACILITATED BECAUSE THE NETS USED ARE OF THE LARGE SIZES.

QUESTION H: ARE CAPTAINS OF FISHING VESSELS, BECAUSE OF THE REQUIREMENTS OF THE MARITIME POLICE CODE, OBLIGED TO NOTE VERY CAREFULLY IN THE LOG BOOK OF THE VESSEL ALL DATA PERTAINING TO CATCHES OF FISH FOR THE PURPOSES SPECIFIED IN THE LAW?

ANSWER H: BECAUSE OF THE REQUIREMENTS STIUPLATED IN THE MARITIME POLICE CODE, ALL FACTS RELATING TO A VOYAGE OR THE OPERATION UNCLASSIFIED

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OF A SHIP OF WHATEVER CLASSIFICATION (MERCHANT, FISHING, ETC.) MUST BE NOTED IN THE LOG BOOK IN THE CHARGE OF THE CAPTAIN OF THE VESSEL.

QUESTION I: IS IT TRUE THAT THE MINISTER OF NATURAL RESOURCES MAY PROMULGATE WHEN NECESSARY SPECIFIC REGULATIONS TO PROTECT PORPOISES IN ORDER TO PRESERVE THIS MARINE SPECIE AS OF PARTICULAR INTEREST FOR SCIENTIFIC STUDIES BECUASE OF ITS SINGULAR BEHAVIOR?

ANSWER I: WE CONSIDER THAT THE TERMS OF ARTICLE 28 OF THE LAW ON FISHERIES AND FISHERIES DEVELOPMENT PERMIT THE MINISTER OF NATURAL RESOURCES AND ENERGY AT ANY TIME TO ESTABLISH MEASURES PERTAINING TO THE SPECIFIC CONSERVATION OF PORPOISE.

3. THE ASSOCIATION PROVIDES THE ADDITIONAL INFORMATION:

QUOTE IN ADDITION, SIR, WE WISH TO BRING TO YOUR ATTENTION THAT THE ECUADOREAN TUNA FISHING INDUSTRY HAS PLANNED TO EXPORT TO THE UNITED STATES OF AMERICA DURING 1977 APPROX 10,000 TONS OF YELLOWFIN TUNA CORRESPONDING TO THE FOLLOWING AMERICAN CLASSIFICATION:

110.10-20 TUNA; YELLOWFIN, WHOLE FISH

110.10-25 TUNA; YELLOWFIN, EVISCERATED, HEAD ON

11.10-30 TUNA; YELLOWFIN, EVISCERATED, HEAD OFF

110.10-37 TUNA; YELLOWFIN, OTHER

112.30-40 TUNA: CANNED, OTHER THAN WHITE MEAT, NO OIL-EXCEPT
CANS MARKED "OTHER THAN YELLOWFIN TUNA".

112.34-00 TUNA; CANNED, OTHER NO OIL-EXCEPT CANS MARKED "OTHER
THAN YELLOWFIN TUNA".

112.90-00 TUNA; CANNED, OTHER, IN OIL-EXCEPT CANS MARKED
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"OTHER THAN YELLOWFIN TUNA".

THIS TUNA WOULD BE CAUSGHT BY THE FOLLOWING ECUADOREAN FLAG
VESSELS:

	NET REGISTERE TONNAGE
SAN ANTONIO V	202.37
DOLORES M	68.00
RAVENNE	98.22
LUCY	202.36
DOMINADOR	80.20
PRINCESA PACHA	212.43
PRINCESA TOA	121.20
CARLOS ALBERTO	56.02
ANGELITA	125.02
MARGARITA	111.40
MIRIAN	111.00
ROSA	280.00
EMPERADOR	100.00
MARIA DE LOURDES	100.00
ADRIANA	100.00
PERLA DEL PACIFICO	100.00
INTREPIDO	100.00
ECUADOR III	100.00
PACIFICO DEL SUR	100.00
JOSELITO	100.00
MAGDALENA	100.00
MARICHE	100.00
RAMONCHO	100.00
SAN PEDRO II	100.00
DON PIPO	100.00
RIO AMAZONAS	100.00

THE FOREIGN FLAG FLEET WHICH OPERATES IN ECUADOR CONTRACTED BY
ECUADOREAN NATIONAL COMPANIES UNDER CHARTER OR ASSOCIATION
ARRANGEMENTS:

NET REGISTERED TONN

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AGE	
ROCHI	170.00
JESSICA	100.00
MARIA PIA	100.00
GARRIDO I	316.96
ISABEL II	372.60
ISABEL	489.74
TEMPELLAC	160.00
SIUM	160.00

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4. A TELEGRAPHIC RESPONSE IS REQUESTED SO THAT IF NECESSARY
ADDITIONAL DATA MAY BE COLLECTED IF NEEDED BY THE NMFS.

5. COMMENTS: THE ASSOCIATION HAS REQUESTED OUR ASSISTANCE
PROIOR TO THEIR FORMAL SUBMISSION TO USDOC. A TELEGRAPHIC
RESPONSE IS REQUIRED ASAP.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TUNA, DATA, FISHING REGULATIONS
Control Number: n/a
Copy: SINGLE
Sent Date: 28-Jul-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
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Disposition Event:
Disposition History: n/a
Disposition Reason:
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Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
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Handling Restrictions: n/a
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Litigation History:
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SAS ID: 1721091
Secure: OPEN
Status: NATIVE
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Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/1cf38662-c288-dd11-92da-001cc4696bcc
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